

**MULTILATERAL TRADE
NEGOTIATIONS
THE URUGUAY ROUND**

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COMMUNICATION FROM THE EUROPEAN COMMUNITIES

Draft Sectoral Annex on Land Transport

The attached communication is circulated at the request of the Permanent Delegation of the Commission of the European Communities to the members of the Working Group on Land Transport Services.

DRAFT SECTORAL ANNEX ON LAND TRANSPORT

CHAPTER I - SCOPE AND COVERAGE

Article 1 : Scope

- 1.1. This Annex applies to measures within the meaning of the Agreement related to the provision of land transport services by road, rail or inland waterway or any combination of those, whether for the transport of goods or of passengers.
- 1.2. This Annex shall ensure that parties provide access to or use of the infrastructure and/or services offered to the public and serving as the underlying mode for the provision of land transport services under reasonable and equitable conditions.

Article 2 : Coverage

1. RAIL TRANSPORT

The provisions of the Agreement shall only apply to measures related to use of the railway services offered to the public as an underlying transport mode for the provision of a combined transport service.

2. INLAND WATERWAY TRANSPORT

The provisions of Article II of the Agreement shall not apply to the provision of inland waterway transport.

3. ROAD TRANSPORT

The provisions of Article II of the Agreement shall not apply to cross-border provision of road transport including cabotage and the related movement of factors of production. It shall only apply to establishment in the case of a permanent presence.

CHAPTER II – MARKET ACCESS

Article 3 : Access to and use of the public infrastructure

Subject to the provisions of the Agreement and of this Annex, each party shall ensure to transport service providers of another party the access to or use of the public infrastructure and/or services necessary for the provision of a service within the meaning of this Annex. In the case of inland waterway transport, the application of this provision shall be without prejudice to existing international rules.

Article 4 : Formalities

As far as specific formalities such as licensing, registration or authorisation are required for the provision of a transport service, parties shall avoid creating undue delay and the introduction of changes without notice.

Article 5 : Transparency

In the application of and when necessary in addition to the provisions of Article VI of the Agreement, each party shall ensure that all necessary information on conditions for the effective provision of a transport service is available. This shall include at least the publication of information such as:

- weight and dimensions for vehicles
- fiscal charges
- border formalities
- traffic bans
- social regulations

CHAPTER III – DOMESTIC REGULATIONS

Article 6 : Domestic regulations

In the application of Article V of the Agreement, public policy considerations may include matters such as

- requirement for compliance with safety standards
- conformity with the laws and rules applied to drivers' qualifications, and other obligations imposed on the personnel in the provision of the service

- protection of environment
- traffic requirements
- protection of road safety
- protection of the integrity of the infrastructure and its satisfactory operation.

Excessively burdensome regulation, as set out in Article V 1 (b), shall include traffic bans exceeding (-) hours a week and selective exclusion of a type of vehicle.

CHAPTER IV - FACILITATION OF COMBINED TRANSPORT

Article 7

The parties shall not submit any single mode of transport within a combined transport operation to conditions more rigorous than those applied in like circumstances to the carriage of goods by that mode of transport alone.

Subject to the provisions of this Annex, Parties shall ensure that combined service providers have the right to select their preferred mode of transport and, within these modes, their preferred transporter whether private or public.

To the extent that such movement relates to the provision of services covered by this Annex which have been liberalised, parties confirm that the cross-border movement of equipment such as containers and swap bodies needed for the completion of the service is permitted, without prejudice to customs duties and procedures in force. Such procedures shall not be more burdensome than necessary.

CHAPTER V - FINAL PROVISIONS

Article 8 : Definitions

1. **Combined transport** : road transport of goods where the tractor unit, trailer, semi-trailer, their swap bodies and containers of 20 feet or more are transported by rail and/or by inland waterway for a part of the journey.
2. **Swap body** : the part of a vehicle which is intended to bear the load, has supports and, by means of a device which is part of the vehicle, may be detached from the vehicle and re-incorporated therein.
3. **Land transport services provider of a party** : p.m.

Article 9 : Review

In the framework of the review provided for in Article XIX of the Agreement, Parties shall examine the opportunity of broadening the scope of the Agreement for this sector.